

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GERONIMO FRATICELLI ROSADO,
Jr.,

Plaintiff

v.

RUSSELL JO. BELL, *et al.*,

Defendants

Civil No. 3:18-cv-0601

(Judge Mariani)

ORDER

AND NOW, THIS 18th DAY OF SEPTEMBER 2020, upon consideration of

Defendants' motions (Docs. 73, 75) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the Court's Memorandum of the same date, **IT IS**

HERBY ORDERED THAT:

1. Defendant Wetzel and Mahally's motion (Doc.75) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is GRANTED in its entirety. The third amended complaint against these Defendants is DISMISSED with prejudice. The Clerk of Court is directed to NOTE on the docket that these Defendants are TERMINATED.
2. Defendant Stanish and DeBoer's motion (Doc. 73) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is GRANTED in part and DENIED in part.
 - a. The motion is GRANTED with respect to the First and Fourteenth Amendment claims. These claims are DISMISSED with prejudice.
 - b. The motion is DENIED with respect to the Eighth Amendment inadequate medical care claims and the medical malpractice negligence claims.

- i. Defendants shall FILE an answer to the remaining claims within twenty days of the date of this Order.
- ii. Plaintiff shall FILE a Certificate of Merit within thirty days of the date of this Order.
- iii. The Court will issue a scheduling order upon the filing of Defendants' Answer.

A handwritten signature in blue ink, appearing to read "R. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge